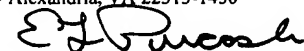


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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Attorney for Applicant

Date: 22 June 2004

Application No. : 10/797,958
Applicant : Stephen Brushey
Filed : 10 March 2004
TC/A.U. : 3763
Examiner : Not Yet Assigned

Atty. Docket No. : DB000841-007
Customer No. : 24122

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Enclosed for filing in the above-captioned application, please find the following:

- An Information Disclosure Statement (3 pgs.);
- Form PTO SB/08A (1 pg.);
- Form PTO SB/08B (1 pg.);
- copies of 7 cited references; and
- copies of PTO/SB/08A and PTO/SB/08B filed with the U. S. Patent Office in the parent applications of the present application having Serial Nos. 09/816,440 and 10/651,728. Under 37. C.F.R. § 1.98(d), copies of references cited in the Information Disclosure Statements in the parent applications are not required.

Also enclosed is a return postcard. Please date stamp and mail the postcard in order to acknowledge receipt of the above-reference correspondence. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to our Deposit Account No. 20-0888. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,



Edward L. Pencoske
Reg. No. 29,688
Thorp Reed & Armstrong, LLP
One Oxford Centre
301 Grant Street, 14th Floor
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Attorney for Applicant

Dated: June 22 2004



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Stephen Brushey
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To: Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Information Disclosure Statement

Sir:

Pursuant to the provisions of 37 CFR §§1.56 and 1.97-98, enclosed herewith is:

- ☒ Form PTO/SB/08A
- ☒ Form PTO/SB/08B

listing references for consideration by the Examiner.

Copies of PTO/SB/08A and PTO/SB/08B filed with the U. S. Patent Office in the parent applications of the present application having Serial Nos. 09/816,440 and 10/651,728 are also provided for Examiner's consideration. Under 37. C.F.R. § 1.98(d), copies of references cited in the Information Disclosure Statements in the parent applications are not required.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is "prior art" to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability as defined in 37 CFR §1.56, or that no other material information exists, and shall not be construed as an admission against applicant(s) interest in any manner.

The Information Disclosure Statement submitted herewith is being filed pursuant to:

☐ 37 C.F.R. §1.97(b)(1); no fee is required;
OR

☐ 37 C.F.R. §1.97(b)(2); no fee is required;
OR

☒ 37 C.F.R. §1.97(b)(3); no fee is required;
OR

☐ 37 C.F.R. §1.97(b)(4); no fee is required;
OR

☐ 37 C.F.R. §1.97(c);
AND either

☐ The fee set forth in §1.17(p) is attached; OR

Applicant certifies pursuant to 37 CFR §1.97(e) that:

☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR

☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item contained in the Information Disclosure Statement was known to any individual designated under 37 CFR §1.56(c) more than three months prior to the filing of this statement;

OR

- ☐ 37 C.F.R. §1.97(d); the fee set forth in §1.17(p) is attached,
AND
- ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item contained in the Information Disclosure Statement was known to any individual designated under 37 CFR §1.56(c) more than three months prior to the filing of this Statement.

Applicant respectfully requests that the listed references be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning a copy of the attached form(s) with the next Official Action.

Respectfully submitted,

Dated: June 22, 2004



Edward L. Pencoske
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/797,958
		Filing Date	10 March 2004
		First Named Inventor	Stephen Brushey
		Art Unit	3763
		Examiner Name	Not Yet Assigned
Sheet 2	of 2	Attorney Docket Number	DB000841-007

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Collection of articles, PAJUNK GmbH Medical Technology, 12 pgs., Geisingen, Germany	
		C. PHAM-DANG, M.D., et al, Continuous Peripheral Nerve Blocks With Stimulating Catheters, Reg. Anesthesia and Pain Medicine, March-April 2003, 79-82, Vol. 28, No. 2	
		Letters to the Editor of Anesth. Analg. 1999, 533-4, 3 pgs.	
		Letters to the Editor of Anesth. Analg. 1998, 228,1 pg.	
		JULIA A. POLLOCK, M.D., Regional Anesthesia for Outpatients, 23-24	
		HDC CORP., Pandin Continuous Nerve Stimulating Catheter, Mod., U.S. Food and Drug Admin. website, 1 pg.	
		ARCE, INC., Directions for Use of Polyplex Regional Anesthesia Stimulating Catheter Sets for Continuous Injection/Nerve Stimulation Polyplex C Plus, Polyplex N Plus Sets, 2 pgs	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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